

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARK R. HOOP, et al,	:	
	:	
Plaintiff(s)	:	
	:	Case Number: 1:00cv869
vs.	:	
	:	District Judge Susan J. Dlott
JEFFREY W. HOOP, et al,	:	
	:	
Defendant(s)	:	

JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

. . . that the Court DENIES plaintiffs' renewed motion for judgment as a matter of law or, in the alternative, for a new trial or amendment of the judgment (Doc. 149)

. . . that the Court GRANTS IN PART AND DENIES IN PART Defendants Jeffrey W. Hoop, Stephen E. Hoop and Hoopsters Accessories, Inc.'s Motion for Order Regarding Notice by/to U.S. Patent and Trademark and Copyright Offices. (Doc. #124.) The Court DECLARES that United States Design Patent No. Des. 431,211 is invalid and unenforceable; DECLARES that Jeffrey W. Hoop and Stephen E. Hoop are the true and sole inventors of the ornamental design and invention claimed, described and shown in United States Design Patent Nos. 431,211 and 428,831; permanently ENJOINS Plaintiffs Lisa Hoop and Mark Hoop, together with their agents, attorneys, employees, representatives, and servants, as well as any other entity or individual in active concert or participation with them, from infringing United States Design Patent No. Des. 428,831; and DECLARES to be invalid Lisa Hoop and Mark Hoop's copyrights regarding and/or relating to the eagle design, whether individually and/or jointly, including, without limitation, United States Copyright Registration Nos. Vau 490-992 and 494-540. The Court DENIES the other relief requested by the Motion for Order Regarding Notice by/to U.S. Patent and Trademark and Copyright Offices. (Doc. 150)

. . . that the Court finds that the defendants have not met the burden and DENIES the motion for contempt (Doc. 151).

. . . that the defendants' motion for order requiring production of documents is DENIED.

. . . that the the Court GRANTS IN PART AND DENIES IN PART Defendants Jeffrey W.

Hoop, Stephen E. Hoop and Hoopsters Accessories, Inc.'s Motion for Order Awarding Interest, Costs, Expenses, Attorney's Fees, and Exemplary Damages (doc. #121), DENIES their Motion for Order Awarding Attorney's Fees (doc. #125), and DENIES their Motion for Leave to File Reply to Plaintiff's Memorandum in Opposition to Defendants' Motion for Costs, Expenses, Attorneys Fees and Exemplary Damages (doc. #139). The Court awards Defendants Jeffrey W. Hoop, Stephen E. Hoop and Hoopsters Accessories, Inc. prejudgment interest on the \$10,800 patent infringement damages award and finds that they are entitled to seek costs by filing a bill of costs with the Clerk. However, the Court denies their requests for expenses, attorney fees and exemplary damages.

8/9/04

JAMES BONINI, CLERK

s/Stephen Snyder
Deputy Clerk

Pursuant to S. D. Ohio Civ. R. 79.2(a) and (b), all models, diagrams, depositions, photographs, x-rays and other exhibits and materials filed or offered in evidence shall be withdrawn by counsel without further Order within six (6) months after final termination of the action. All materials not withdrawn shall be disposed of by the Clerk as waste.